

HOUSE BILL No. 1330

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-15.5; IC 34-30-2-87.5.

Synopsis: Civil immunity related to liquified petroleum gas. Provides civil immunity for a liquified petroleum gas provider if another person's misuse or improper alteration of liquified petroleum gas equipment causes a loss. Specifies that the grant of civil immunity does not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct. Provides that an act performed in accordance with the fuel gas code does not constitute gross negligence or willful or wanton misconduct.

Effective: July 1, 2005.

Heim, Foley, Borders, Goodin

January 13, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1330

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-11-15.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 15.5. Civil Immunity for Liquefied Petroleum Gas**
5 **Providers**

6 **Sec. 1.** As used in this chapter, "liquefied petroleum gas" has the
7 meaning set forth in IC 22-11-15-2.

8 **Sec. 2.** As used in this chapter, "liquefied petroleum gas
9 provider" means one (1) or more of the following persons:

10 (1) A person engaged in the business of handling liquefied
11 petroleum gas.

12 (2) A person engaged in the retail sale of liquefied petroleum
13 gas.

14 (3) A person engaged in the business of supplying liquefied
15 petroleum gas.

16 (4) A person engaged in the business of transporting liquefied
17 petroleum gas.



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1 **Sec. 3.** As used in this chapter, "provision" means handling,
 2 retail sale, supply, or transport.

3 **Sec. 4.** Except as provided in section 5 of this chapter, a liquified
 4 petroleum gas provider is immune from civil liability for a loss
 5 resulting from an act or omission that occurs in connection with
 6 the provision of liquified petroleum gas, if the loss was caused by
 7 the:

8 (1) use of liquified petroleum gas equipment or a liquified
 9 petroleum gas appliance in a manner or for a purpose other
 10 than that for which the liquified petroleum gas equipment or
 11 liquified petroleum gas appliance:

12 (A) was intended to be used; or

13 (B) could have reasonably been expected to be used; or

14 (2) alteration, modification, or repair of liquified petroleum
 15 gas equipment or a liquified petroleum gas appliance, if the
 16 alteration, modification, or repair of the liquified petroleum
 17 gas equipment or liquified petroleum gas appliance was
 18 performed without the:

19 (A) knowledge; or

20 (B) consent;

21 of the liquified petroleum gas provider.

22 **Sec. 5.** (a) A liquified petroleum gas provider is not immune
 23 from civil liability under section 4 of this chapter if the liquified
 24 petroleum gas provider's act or omission constitutes gross
 25 negligence or willful or wanton misconduct.

26 (b) An act or omission under subsection (a) does not constitute
 27 gross negligence or willful or wanton misconduct if the act or
 28 omission was performed in accordance with the Indiana fuel gas
 29 code (675 IAC 25-1).

30 SECTION 2. IC 34-30-2-87.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2005]: **Sec. 87.5. IC 22-11-15.5-4 (Concerning**
 33 **providers of liquified petroleum gas).**

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